

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

LANIS SOLOMON, JR

Plaintiff,

v.

ARMOR CORRECTIONAL HEALTH, INC., et al.,
(HEALTHCARE-PROVIDERS, MEDICAL DIRECTOR,
NURSE PRACTITIONERS)

Defendants.

Case No. 19-CV-12

**MOTION IN OPPOSITION TO PLAINTIFF'S
MOTION FOR DISMISSAL WITHOUT PREJUDICE**

NOW COMES Defendant, ARMOR CORRECTIONAL HEALTH INC., by its attorneys CASSIDAY SCHADE LLP, in opposition of Plaintiff's Motion and Motion to Dismiss Without Prejudice (Dkt 21) and state as follows:

Defendant Armor Correctional Inc., ("Defendant") opposes the dismissal of this lawsuit without prejudice. Pursuant to Fed. R. Civ. P. 41(a)(1)(A), absent a court order, Plaintiff may only obtain an order of dismissal, without prejudice either by (i) filing a notice of dismissal before the opposing party files an Answer or a motion for summary judgment, or (ii) by stipulation of all parties who have appeared. Defendant has filed an Answer (Dkt 18).

This Defendant does not stipulate to dismissal of this lawsuit *without* prejudice. This Defendant will stipulate to a dismissal of this lawsuit *with* prejudice. Plaintiff's alleged inability to prosecute his claims should not outweigh Defendant's right to defend and adjudicate alleged

claims against it as the lawsuit is already filed and work has commenced in preparing and defending against Plaintiff's claims.

WHEREFORE, the Defendant, ARMOR CORRECTIONAL HEALTH INC., by their attorneys CASSIDAY SCHADE LLP, respectfully prays that this Honorable Court dismiss this lawsuit *with prejudice*.

Respectfully submitted this 27th day of November, 2019,

/s/ John J. Reid
One of the Attorneys for Defendant, ARMOR
CORRECTIONAL HEALTHCARE INC.

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